

**Minutes of the
Arkansas Water Well Construction Commission Meeting
April 4, 2014**

The regular meeting of the Arkansas Water Well Construction Commission was held on April 4, 2014 at 9:00 AM in the Arkansas River Room at Arkansas Natural Resources Commission, 101 East Capitol, Suite 350, Little Rock, Arkansas.

Commissioners in attendance: Chairman Washington, Vice Chairman Jones, Commissioners Pender, Hunt, McDermott, Gilbert, and Randy Young, Executive Director ANRC.

Arkansas Natural Resources Commission staff in attendance included: Deanna Ray, Associate General Counsel; Jessica Wallace, ANRC Administrative Services Manager; Todd Fugitt, ANRC Geology Supervisor; Jacob Harvey, Water Well Inspector; Perry Dotson, Water Well Inspector; Jackie Broach, Ground-Water Administrative Analyst, and Britt Hill, Engineering Technician.

Chairman Washington called the regular meeting of the Arkansas Water Well Commission to order.

Approval of Minutes:

Chairman Washington presented the February 14, 2014 Minutes. Motion was made by Commissioner McDermott to approve the Minutes as presented and was seconded by Commissioner Young. Motion carried.

Executive Secretary's Report:

Executive Secretary Young asked Ms. Jessica Wallace, to present the Financial Report.

Financial Report:

Jessica Wallace, ANRC Administrative Services Manager, presented the monthly financial report ending March 31, 2014. She reported Total Revenue of \$185,483.50; Total Expenses of \$121,030.29; and YTD Net Revenue of \$64,453.21, leaving a Total Fund Balance of \$340,489.83. Ms. Wallace reported that finances are pretty consistent with this same time last year.

There were no questions, and the Financial Report was approved.

Legal:

Associate General Counsel, Deanna Ray, advised that staff was made aware of a poorly constructed well in Waldo, Arkansas constructed by Cody McMullan of May Water Service. She advised that at a former hearing for another case, Mr. McMullan had advised that he had gotten out of the Water Well drilling business, but apparently had not,

and still operates May Water Service. Associate General Counsel Ray advised that a provisional order was issued to Mr. McMullan in February, but that he did not accept the mail so AWWCC had a process server to personally serve him. The process server was unable to locate him, and Associate General Counsel Ray wanted the Commission to be aware that there is an outstanding provisional order against him. She advised the Commission that his options were to pay the fines assessed against him or to attend the hearing today, but since he has not been served, there is nothing to present today on this case. She advised that when he was served, she would update the status at the next AWWCC meeting.

Consideration of Applicants:

Jackie Broach presented the following applicants for Commission approval:

STATUS OF THOSE ALREADY APPROVED

<u>EXAM</u>	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Douglas M. Luther (PI) Passed	Tiff City Pump	Tiff City, MO

NEW DRILLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Perrian D. Manley	Ark-Mo Well Drilling	Steele, MO
Delmer L. Moore	M&M Well Drilling	Biggers, AR

NEW PUMP INSTALLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Delmer L. Moore	M&M Well Drilling	Biggers, AR

NEW DRILLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Joseph K. Hall	Anderson Engineering	Little Rock, AR
Walter M. Brown	Pender Water Wells	Texarkana, TX
Mitchell D. Scott	Cart-Well Company, Inc.	Weiner, AR
John L. West	Cart-Well Company, Inc.	Weiner, AR
Daygan Pugh	Corning Well Drilling	Corning, AR
Wesley D. Dickey	Ark-Mo Well Drilling	Steele, MO
Michael C. Tipton	Ark-Mo Well Drilling	Steele, MO
Derek A. Dwyer	Dwyer Water Wells	Fouke, AR
Steve A. Dwyer	Dwyer Water Wells	Fouke, AR

NEW PUMP INSTALLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Jose M. Rodriguez	Cart-Well Company, Inc.	Weiner, AR
Mitchell D. Scott	Cart-Well Company, Inc.	Weiner, AR
John L. West	Cart-Well Company, Inc.	Weiner, AR
Daygan Pugh	Corning Well Drilling	Corning, AR
Wesley D. Dickey	Ark-Mo Well Drilling	Steele, MO

Michael C. Tipton	Ark-Mo Well Drilling	Steele, MO
Derek A. Dwyer	Dwyer Water Wells	Fouke, AR
Steve A. Dwyer	Dwyer Water Wells	Fouke, AR
Cody A. Simpson	Elder Drilling & Supply	Carlisle, AR

Commissioner Pender made a motion to approve all the applicants except Steve Dwyer and Derek Dwyer as he had some questions regarding these two apprentice applicants. Motion seconded by Commissioner Young. Motion carried. Commissioner Pender had questions on the number of years Mr. Marchand held his driller and pump installer license, how many years he had let it lapse, where Mr. Marchand was employed and if he is eligible to supervise. After much discussion, Commissioner Young made a motion instructing Jackie Broach to obtain a letter from Mr. Marchand showing proof of employment. Motion was seconded by Commissioner Gilbert. Motion carried.

Inspector's Report

- Illegal Drilling and Pump Installers inspections
 - Baxter Co. – On going
 - Searcy Co. – On going
- Rig Inspections
 - Franklin Co.- On going
- Contractor Visits
 - Arkansas Co. (2)
 - Baxter Co. (1)
 - Benton Co. (4)
 - Boone Co. (1)
 - Faulkner Co. (2)
 - Franklin Co. (1)
 - Fulton Co. (1)
 - Izard Co. (1)
 - Marion Co. (1)
 - Stone Co. (1)
- Training/ WW Database –
 - Lonoke Co. (Elder Drilling)
 - Randolph Co. (M&M Drilling)
- Anonymous calls on unlicensed contractors (0)
- Answering Phone calls & emails
 - Several people using the public access to the database.
- Annual Spring Water level Measurements
- County Health office visits
 - Scott Co.
 - Stone Co.
- Driller/ Pump Installer Test (1)
- 30 well reports entered by staff in February & March
- 151 well reports entered by (46) contractors in February & March

Inspector's Report was approved.

Other Business:

Chairman Washington stated that he has been made aware that Real Estate agents were treating their own wells. Commissioner McDermott responded that in order to treat the well properly, they would have to break the seal on a well, and that they should be advised that it is against the law for anyone other than a licensed contractor or pump installer to break the seal on a well. He then made a recommendation that the Commission send a letter to the Real Estate Board advising that only a licensed Arkansas Contractor can treat a well and break a seal on a well. Commissioner Hunt asked Commissioner Young what the proper protocol would be to inform another agency of such cases. Commissioner Young replied that he would send a letter to the Real Estate Commission regarding the concerns and making them aware of what the law is regarding it. Commissioner Young then made a motion that the Commission direct him to draft a letter to the Real Estate Commission. Motion was seconded by Commissioner McDermott. Motion carried.

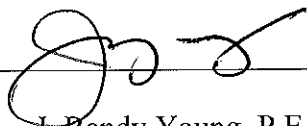
Commissioner McDermott asked Britt Hill, AWWCC Inspector, to give the status on the two billboard advertisements. Mr. Hill advised that the billboards in Harrison and Mount Ida have been contracted out, the design work on them is in the final stages of being finished, and that the billboards should be up in the next few weeks. Commissioner McDermott asked if the commission wanted to do more billboards or wait to see how successful this advertising proved to be. Commissioner Gilbert made a motion for the commission to explore other avenues of advertising. Commissioner McDermott seconded it and advised that the Public Outreach Committee would meet with Britt Hill to explore other avenues and address this at the next commission meeting. Motion approved. Mr. Hill also advised that because of the ordinances for the city of Harrison, there could be no extension of the drill rig on the billboard as per the design voted on by the commission. Commissioner McDermott asked if that was because the billboard was located in the city limits and Mr. Hill responded that it was. Chairman Washington responded that would be something they would have to keep under consideration when choosing locations of billboards.

Chairman Washington asked what the commission wished to do in regards to having AWWCC meetings in conjunction with the AWWCA at their January and August meetings. Commissioner McDermott stated that he didn't feel it was necessary for AWWCC to hold these meetings with the AWWCA. Commissioner Pender agreed with Commissioner McDermott. Commissioner McDermott then made a motion to decline the offer from the AWWCA. Commissioner Pender seconded. Commissioner Young asked if the commission could discuss this issue before the motion was approved and his request was granted. Commissioner Young stated that he was approached by the leadership of the AWWCA expressing their desire for the AWWCC to continue having the meetings at their January and August meetings. Commissioner Young then asked Mr. Todd Fugitt, ANRC Geology supervisor, if he had been contacted by the AWWCA regarding this. Mr. Fugitt responded that he had, and that he also had received a letter

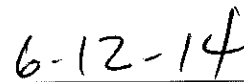
from AWWCA Vice President, Marcus Flippin, stating that the AWWCA membership discussed and voted unanimously to request that the AWWCC be invited back to hold these two meetings in conjunction with AWWCA every year, beginning in the year 2015. Mr. Fugitt responded that it was very rare that there would be a hearing held at these meetings, and that information shared at these meetings usually were items that pertain to the members of the AWWCA in regards to training, the water well database, etc. Chairman Washington stated that he thought it would be good for the AWWCC to return to having the two commission meetings with AWWCA. He further stated that the consensus he had gotten from members of the AWWCA was that the members felt they were more involved with the decisions made concerning their business. Commissioner Gilbert recommended that the Commission decline the invitation to hold the meetings with the AWWCA. Chairman Washington then repeated the motion already made to decline the invitation to hold the AWWCC Meetings with the AWWCA and that it had been seconded. Motion then carried. Associate General Counsel Ray advised that a roll call vote be taken. The roll call vote was taken and the motion still stood.

Chairman Washington asked for a report from the Rules, Regs and Fees Committee. Commissioner Gilbert reported that the committee voted to modify the rules on 4.2, 4.3, 3.10.2.2.b, and to hold on the remaining two items being considered by the committee concerning Geothermal drilling, and not relicensing an individual as long as they have outstanding fines. Commissioner Pender made a motion to accept the recommendations from the Rules, Regs and Fees Committee on items 1 and 2. Commissioner McDermott seconded the motion. Motion carried. Commissioner Young asked that the committee specifically look at the rules governing apprenticeship supervision at their next committee meeting. Commissioner Gilbert responded that it will be put on the committee Agenda for the next meeting.

Meeting adjourned.



J. Randy Young, P.E.
Executive Secretary



Date